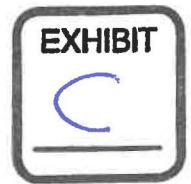


# EXHIBIT C



The Defendant Ariel Ebaugh is a twenty-two-year-old woman recently graduated with a bachelor's degree from Georgia College and State University, who lives at home with her parents in the south Atlanta suburb of Stockbridge. She presently works shifts at a popular franchise restaurant, while driving for DoorDash, and doing some academic tutoring. Although the criminal conduct in the case at bar—that is, it's bare, factual recitation—may seem bafflingly inexplicable, Ms. Ebaugh in the fullness of her person indeed presents a complex and compelling figure, a young person experimenting at the threshold of adulthood in troubled times. A home-grown and home-schooled daughter of Georgia, gripped by the tides of socio-political and cultural upheaval, she has seen more than the average twenty-something.

Raised as an evangelical Christian, she grew up in a career-Army/military-contractor family, and during her critical adolescent years she lived in the Persian Gulf during war-time, traveling extensively as a teen throughout the Middle East, Europe and western Asia with her parents. She attended Oxford University for two college terms as an exchange student, studying poetry there, and has written incisively on an obscure traditional Japanese poetic form little-known in America. Ariel is a thoughtful writer and thinker—earning a 3.9 GPA and high honors at her university—adept at poetry, politics and drama alike; she is full of eloquence and Whitmanic contradiction. Yet paradoxically—and perhaps defying explication—she also founded a Libertarian student group at her school, and has campaigned as a campus activist for various hard-right conservative Republican candidates in southern states. She has canvassed door-to-door on behalf of Second Amendment initiatives and GOP culture-war issues; yet Ariel identifies as

bisexual, and expresses an antipathy to rigid gender hierarchies, like many young people today. Even more, Ms. Ebaugh can dress a bleeding chest wound, treat a concussion, or save someone from an overdose, all learned in her EMT training and rooted in her desire to contribute positive community service. And with all this, Ariel can presently be found most nights clearing glasses at an Olive Garden, or bouncing along in her battered, fifteen-year-old Hyundai Sonata, delivering someone's takeout dinner in an Atlanta suburb for minimum wage. While these snapshot-tiles may together form an intriguing mosaic portrait of Ariel, it is a less than coherent one; the addition of the very serious charges in the subject indictment have the potential to take this picture from curious to tragically life-altering.

To better situate this defendant within the broader context of her life, education and family history, and how these factors have informed her conduct in the matter at bar, the herein information is submitted so that a resolution may be fashioned befitting these unique facts and circumstances. If it is fair to say that we all live today in hyper-politicized times, fully-immersed in a heady stew of continual information-conflict and outrage, then it goes double for the youth of this country. The effect of this intensely-wrought political, totalizing environment on our younger citizens— “digital natives” who have never known any other mode of being than the current *vita vulgi Americani*—should not be underestimated, and the case at bar is emblematic of the era. Yet likewise, we must not over-state what are the intellectual growing pains of a woman on the verge of independent adulthood, learning the modes of being in the world, and the differences between thought and action, ideals, intentions and outcomes—all in the midst of the

pandemic's global disruption, its attendant political upheaval, and grand changes to our collective zeitgeist.

Ms. Ebaugh was born in December 2000 to the marriage of her father Stewart, a U.S. Army career veteran and a local real estate broker, and her mother Carol, a lawyer by training (if not in practice), who has been a home-maker and home-school organizer and educator. A "millennial baby," Ariel grew up in a devoutly Christian evangelical household, following the Southern Baptist or unaffiliated Baptist traditions, with membership for most of the last twenty-five years in a well-known "mega-church" outside Atlanta. From the age of five, she was educated at home, with only her mother as her educator, then later alongside her younger brother Ian, and later still, in small-group home-schooling cooperatives of like-situated Christian families and their offspring, who eschewed the local public school system as too permissive and insufficiently Christian in its curriculum. The family still attends church services every Sunday, and Ariel continues in her faith to this day, while perhaps less enthusiastic about the weekly meetings and religious life than she had been while growing up.

Ariel's father Stewart enlisted in the U.S. Army in 1984, and served a two year hitch in South Korea and Japan, including a long posting to Okinawa; he enrolled in ROTC afterward, and re-enlisted from 1988 to 1998, attending flight school during the years of the first Gulf War (U.S. expedition to expel invading Iraqi forces from Kuwait), then serving as a helicopter pilot throughout the 90s.<sup>1</sup>

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<sup>1</sup> Mr. Ebaugh attended flight school in South Korea, becoming helicopter rated on Hueys and Blackhawks in air assault and infantry ground support operations, battalion moving, and medevac, eventually joining the 82nd Airborne Division at Fort Bragg. Ultimately, he would serve in the Georgia Army National Guard based at Fort McPherson, Fort Gillum, and Dobbins AFB, from 1998 to 2002 (the period when Ariel was born), and finally in the US Army Reserves.



Mr. Ebaugh left active duty in the services in 1998, then served four years as a National Guardsman and the Army Reserves, before he went into local real estate, gradually building his residential practice in the area around Stockbridge and the Atlanta suburban market. When the financial collapse arrived in 2008, his business all but closed its doors in the terrible market which ensued; he turned then to his old military contacts, and soon found a promising position as a civilian logistics contractor at the newest addition to CENTCOM's rear-guard supply operations, Camp Arifjan, south of Kuwait City, supplying American forces in Iraq in the second Gulf War.

Ariel was nine years old when she and her brother, with their mom Carol, arrived in Kuwait in the middle of what history has come to call the "long war," on the eve of the second decade of US combat operations in Iraq and Afghanistan. From 2010 to the summer of 2015, the family would live in a series of off-base civilian housing complexes and various apartment blocks, eventually settling for the last two years in the coastal ex-pat enclave of Al-Faraheel, about an hour south of the city, along the seawall. Camp Arifjan replaced older facilities in Qatar and Kuwait, and was designed to maintain pre-positioned equipment, supplies and materials for rapid deployment to battle zones; and to direct joint exercises with the Kuwait armed forces; and ensure security operations around Kuwait. Ariel remembers how her father spent all his time organizing meetings and PowerPoint presentations for military brass and commanders at the base,<sup>2</sup> but she rarely went there. Instead, the family lived in an apartment house full of foreign nationals, in its own community by the sea, as the war raged on close at hand, to the north in

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<sup>2</sup> Mr. Ebaugh's various logistics support contracts including operational management for everything from armed base security to making ice for soldiers, supplying bottled water, constructing PX structures, and maintaining IT systems.

Iraq, and further off in the east, in Afghanistan. From the family home, Ariel would watch massive airlift jets fly in low over the Persian Gulf to touch down at Arifjia, delivering logistical needs for the U.S. Army, Marines and Navy, a ringside seat on the front lines of a two-war mobilization. Ms. Ebaugh stayed close to the apartment complex mostly, where her mother continued her home-schooling for middle school. The ex-pats had a non-denominational Christian group that met every Friday, as well, where her friends were all kids of other civilian contractor and oil industry families—British, Canadian, Germans, South Africans, Bangladeshi, Pakistani and West African. While Mr. Ebaugh had a sponsored work visa, his wife and children were in Kuwait on renewable ninety-day tourist visas, which meant every three months, the family departed for a few days or a few weeks to visit other countries to reset their visas. During her five years in Kuwait, Ariel would travel to Oman, Jordan, Turkey, Greece, Cyprus, Dubai, as well as countries in Europe. She saw the cities of the ancient and modern world, and learned history amid the imperial remains of the Romans, Persians, Greeks, Byzantium and the Islamic world.

Throughout all this time, Carol Ebaugh, the Defendant's mother, took charge of her daughter's education with a sophisticated regimen of home-schooling, both in Georgia as well as all their years in the Middle East, while Mr. Ebaugh served in the American military's war on terror. Mrs. Ebaugh exhibited a real fearlessness in tackling pedagogy, and instilling a fierce intellectual confidence and moral backbone in her daughter and son. She selected the texts herself, mostly emphasizing history, poetry and literature, geography and drama. "It was a lot of work," she notes today, and she deployed a classical approach based on her own

education—a bachelor’s degree in Art History and Criticism, augmented by a J.D. degree from the University of North Carolina-Chapel Hill School of Law. During Ariel’s years in Kuwait, Carol’s home-schooling provided a foundation of Western core values—memorizing poems by Shelley, Frost and Poe,<sup>3</sup> learning classical public declamation and recitation, studying world events—mixed with field trips to Kuwaiti cultural sites, the grand mosque, and the national museum; all the while finding time to be a kid by playing softball with others her own age. Each time the family had to depart Kuwait for visa requirements to visit another country, Carol Ebaugh used the trip as a teaching moment in geography, history and languages.

Back in Georgia at age sixteen, the Ebaughs enrolled their daughter in the eleventh grade at the New Creation Christian Academy in nearby McDonough, GA, which offered a “university-model” style of education for high school students in a non-denominational Christian setting. There she excelled in literature and math, made the honor roll all four semesters through her graduation and developed a passion for hiking and camping in the woods and mountains of central Georgia. After five years in the desert of Kuwait along the flat, barren shores of the polluted Persian Gulf, Ariel filled with a newfound love of her central Georgia homeland—its dense forests and green mountain ridges, and the parks and wild rivers all around Henry County. The Ebaughs had rented their home while overseas, and once home again, the Defendant settled back into her old life like a familiar old coat. She finished high school with a singular focus<sup>4</sup> and applied for admission to

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<sup>3</sup> Ms. Ebaugh was taught by age fourteen, *inter alia*, to recite from memory Edgar Allen Poe’s “The Bells,” and Percy Shelley’s sonnet “Ozymandias,”—with its warning of imperial ruin in the desert and the temporal nature of earthly power.



Georgia College and State University, about an hour away in Milledgeville, Georgia's erstwhile capital city, and once the center of its cultural world.

Ms. Ebaugh's period at GCSU marks the beginning of her political education, and as with many undergraduates, she would vacillate wildly across a broad spectrum of ideological values. GCSU is a small college and represents the Georgia state system's "Public Liberal Arts University," attracting a student body comprising budding artists, writers<sup>5</sup> and performers. The college itself is a descendant of the earlier system of vocational teachers' colleges, educating (mostly) young women to become public school teachers. At GCSU, Ariel studied English literature—mostly poetry<sup>6</sup>—and creative writing, with a minor in theater studies. From the Fall 2018 semester to her finish in Fall 2021, Ms. Ebaugh carried a full slate of courses every semester, including summer sessions during the pandemic. Ariel made the President's or the Dean's List (with better than a 3.8 GPA) five out of nine semesters, having a cumulative GPA of 3.9; and she attended the exchange program in England at Regent's Park College, Oxford University, where she studied poetry. Ms. Ebaugh graduated early, earning both college honors and "Cum Laude" distinction.

Yet notwithstanding her distinguished academic achievement, Ms. Ebaugh also cut a bold swathe on her campus by co-founding a new chapter there of the

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<sup>4</sup> Ms. Ebaugh earned sixteen credits of college credit in her last semester at the Academy, in Calculus, English, History and other subjects, via Advanced Placement course work, all of which was accepted on her entry at GCSU.

<sup>5</sup> The town's most famous resident was the great American writer Flannery O'Connor, who went to high school there, then attended the campus when it was known as the Georgia State College for Women; O'Connor lived and died on a farm just outside of town and her gravesite is beside the college, where the literary review there bears the author's name.

<sup>6</sup> Ms. Ebaugh served on the staff at the GCSU campus literary journal, the Peacock's Feet.



libertarian political group, Young Americans for Liberty,<sup>7</sup> in her sophomore year. For the next four years, she would campaign, canvas and fund-raise for libertarian candidates approved by the organization, in local Georgia races for state assembly; state house races in Texas; and libertarian ballot initiatives in Alabama and Mississippi. In part, her activism dove-tailed with a campus romance with her first real boyfriend, who also worked for the group. Together, they would attend YAL's national conventions in Texas and Pennsylvania, and went on a canvassing trip in southern states to support ballot initiatives on "constitutional carry"—the permit-less assertion of the right to carry firearms in public and private, which has in recent years become law in twenty-five states, including most recently, Georgia.

While her college was a clear "liberal-democrat" political zone in an otherwise, reliable "red state," Ms. Ebaugh believed fervently in what she was doing, even in the face of stiff ostracizing by other students. While it would be an overstatement to say the experience "radicalized" her, in fact, Ms. Ebaugh became engrossed by civics lesson inherent in taking an active role in the election process, year after year—campaigning for Georgia candidates, national figures, and ballot drives. Rather, she became a fervent patriot, and a believer in the American system of democracy and representation, and the will of the people. The summer of her senior year, she took a paying job for YAL, canvassing for First and Second Amendment issues in three states;<sup>8</sup> her plan at that point was to "take over" the

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<sup>7</sup> Young Americans for Liberty is in fact the descendant campus organization of U.S. Rep. Ron Paul's (TX, 22nd) unsuccessful campaign for President in the 2012 election cycle; reportedly, Rep. Paul converted the remaining campaign war chest into a political action committee, which spun off a youth organization still active ten years later at the center of Libertarian organizing.

<sup>8</sup> During the short period Ms. Ebaugh was paid by Young Americans for Liberty, she earned \$2,000 per month, plus gas, lodging and food expenses.

campus group, and get a permanent job in Washington in the ranks of conservative lobbyists and congressional aides. Ariel would ultimately quit the group<sup>9</sup> to study poetry at Oxford; yet while she never returned to the libertarian canvassing work, the year after her return, she bought her first firearm, the AR-15 in the matter at bar.

As demonstrated through her academic dedication, the Defendant is no stranger to hard work, and she currently labors approximately fifty hours per week, split between three jobs. Primarily, she works nights since June of 2022 as a delivery driver for the fast-food app, DoorDash, driving approximately twenty hours per week, earning about \$200 weekly—licensed since age seventeen, Ariel drives from about 5 p.m. until just after midnight, and her monthly net, less gas and expenses on her 2006 Hyundai, is just under \$600. Next, she tends bar during day shifts at the local Olive Garden, working approximately twenty-five hours per week, with an hourly wage of \$5.50 plus tips, which together amounts to about \$75.00 per shift. Lastly, Ariel also tutors local high school seniors in Math, English and writing skills in preparation for college entrance exams or applications, for a total of about four hours per week at \$20/hour; she presently has one student, and hopes to phase out the Olive Garden and develop more college-bound kids in need of academic help this year.

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<sup>9</sup> Ms. Ebaugh's romance with a young man in the organization followed a path across several states as they canvassed together, and stayed together at the YAL convention in Austin, TX twice, in August of 2020 and January of 2021. In fact, her boyfriend was in charge of seeding campus chapters for Young Americans, and had met Ariel on one of his first trips to organize GCSU. Later, her boyfriend would become a chief YAL organizer in Pennsylvania and the east, then Nebraska; Ariel's interest in the group waned at approximately the same time she realized she no longer wanted to be exclusively with the young man, or to pursue a "long-distance" relationship, and she left for Oxford. Her next boyfriend served as the intermediary in her purchase of the rifle which she carried on the day of her arrest in the matter at bar.

While still a student in June 2020, the summer after her junior year, Ariel followed the local Atlanta area protests in the wake of the police shooting of Rayshard Brooks, watching the unrest on television every night. A year later, in the midst of the George Floyd protests sweeping the country, she paid very close attention, and wanted to join in the marches, but was forbidden to do so by her parents. Her mother Carol was convinced that violence would ensue, and her father was frankly dubious of the marchers' intent, and viewed the unrest as undermining the authority of the police.<sup>10</sup> Some members of Ariel's church<sup>11</sup> congregation formed a sympathetic, anti-racism group to march with the demonstrators in Atlanta that fall, but still Ariel did not attend, as she was back at Milledgeville, finishing her bachelor's degree. The next spring, in 2022, she was back in her parents' house in Stockbridge, and learned more about Black Lives Matter organizers in Atlanta, and later about the opposition to the new police facility forming among various factions, which county officials had approved the previous fall. Ms. Ebaugh heard about the clashes that spring which had led to property destruction and violence, and to further protest to save the forest slated for clearance. While she did not join any particular eco-activist or anti-police group, she took an interest in the movement in general, as a social activity and counter-balance to her long and deep experience with conservative student organizing, and thought it might be a way to make new friends and meet people. Ariel met some

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<sup>10</sup> Both the Defendant and her father noted separately that their neighbors across the street and a house over are police officers; and Ariel says that while they do not know any of their neighbors and live quite socially isolated from the homes around them, her father's insistence on backing the police as a rule was iron-clad, and socially "baked-in" the DNA of living in Stockbridge, a predominantly white conservative community.

<sup>11</sup> The Defendant has attended Eagle's Landing First Baptist Church in McDonough, GA, since she was a young girl.



organizers providing support to the tree-sitting protesters, and in particular met a thirty-year old woman who worked as a paramedic. Eager to get involved in some kind of community activism, Ariel attended a “street medic” training course<sup>12</sup> in July of 2022, focused on First Aid for use at demonstrations and protests, thinking that if demonstrations happened that summer, she wanted to be a positive force, helping people who may get injured in exercising their First Amendment rights. The free classes met in a city park every two weeks for skills-sharing and demonstrations of paramedic basics. Ariel found the subject fascinating, and enrolled in a further, more complex course in September of 2022, that ran fifty hours of training in three weekends<sup>13</sup> under supervision of professional paramedics.

At the classes she learned how to control or stop bleeding; to administer aid to someone choking; to attend to someone suffering from tear-gas, pepper spray or other irritants; how to splint a broken bone or wrap a sprain; how to identify basic medical conditions, and what to know about them; how to use NARCAN to save someone from an opiate overdose; how an Epi-pen works, and when to use one; and what to do with a wound from a non-lethal, low-velocity projectile, including head wounds. Ariel became vitally interested in the training and the new knowledge she had acquired, and began to look at official EMT training and job recruitment requirements, thinking this might be a new career path for her, instead of working for Olive Garden. Ariel continues to hope she can develop the skills

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<sup>12</sup> The courses in paramedic basics were taught by licensed and qualified paramedics under the aegis of the Atlanta Resistance Collective.

<sup>13</sup> While her training was informal and community-based, it was in fact quite rigorous, comprising two twenty-hour sessions over two weekends, with a further ten-hour session review and “exam” follow-up.

she learned last summer and fall into a true vocation, as she indeed feels called to the practice, in all its practical skills, compassion and community betterment. Ms. Ebaugh worries that a felony conviction in the present indictment may likely bar her from seeking employment as an EMT in any state or county job, and she grows despondent that her new vocational enthusiasm and dream of a future as an ambulance medic will be dashed by her ill-thought isolated actions at the forest the day of her arrest.

In the matter at hand there can be no claim nor will we try to convince your Office that Ariel Ebaugh exercised good, sound judgement at the time of the isolated incident which gave rise to her arrest. That she acted foolishly, indeed, dangerously to herself and others cannot be debated. But yet cast in the overall context of the evidence, or lack thereof, an objective read of her intent and conduct falls far short of that necessary to establish her knowing witting participation in any act of domestic terrorism as written or contemplated by that Georgia statute, or that she committed the offense of assault at the time and place alleged.

We believe the evidence will show that having graduated from college Ariel returned to her home not far from the forest in controversy and became interested in the issues underlying the dispute and the then lawful demonstrations surrounding the project. Although Ariel, as a young woman of tomorrow, has long been concerned about environmental issues and community input in directing their own destiny, and had heard of the demonstrations while at university, she had no prior familiarity with the “group” leading the protests at the forest and knew of no one so involved.

Returning home and interested in the issues surrounding the forest, and her local community, the evidence will show that Ariel was interested in making new

acquaintances and finding answers to questions that she had about what was happening and why. On occasion she met a handful of concerned people who shared her passion for preservation. When asked how she could help, they asked that she bring food to the forest “kitchen,” which she shared with them on occasion. A few times, she went to the forest to talk to and to listen to people play music there. On another occasion, she handed out leaflets in nearby communities that a demonstrator had given her which described the controversy. Although, over a relatively short period of time, Ariel became friends with half a dozen people, at no time did she attend any meetings in which objectives or strategy was discussed, let alone join any structure or formalized group involved in the demonstrations.

That is not to say that Ariel as a local citizen long away at university and concerned with environmental issues was indifferent to the controversy at the forest upon her return, but rather to emphasize that her political and social concerns did not play any formal or de facto role whatsoever with the “group” that had apparently long occupied the forest in opposition to its planned redevelopment. Nor did she participate in any discussions with others over how the demonstration should proceed or why.

In this light, evidence we have assembled will establish that on the day in question Ariel, who was concerned about news reports regarding a police “raid” and arrests in the forest the day before, called one of the demonstrators - a young man who referred to himself in the plural (they, them, we). She had befriended "them" and "they" had provided "their" phone number to her. After hearing about raids in the forest, she called the young man to find out if he was okay and to learn what was going on. She had heard that people were being tear-gassed out of their tree bunks and platforms. In a brief discussion, the young man asked Ariel to cause a “distraction” so "that we" could leave the forest to



avoid a police encounter. Ariel drove to a parking area not far from the police line, took her otherwise lawfully possessed long rifle from her vehicle which had its safety on and walked toward officers in the hope of attracting their attention only. Getting no closer to them than approximately 50 yards, at no time did Ariel aim the weapon at the officers and when ordered by one of them to get on the ground she immediately complied, and was arrested without incident shortly thereafter.

A plain read of Ariel's conduct at the time covered by these charges establishes her immaturity and poor judgement. Was it however an act of domestic terrorism? NO. Was it an assault? No. Did it amount to a low-grade offense of obstruction of justice? Perhaps.

Ariel Ebaugh is not just named for the character in Shakespeare's *The Tempest* but in fact evolved that way. A complex spirit of the air, servant to a wise magician, and gender-fluid (it's not clear male or female) .... who causes a bit of mayhem, then sorts it out and puts everything right in the end. She has made a huge journey, ideologically. Ariel has gone from Baptist church-every-Sunday, home-schooled because public schools are insufficiently Xtian, to joining the messy, politically-complex, bisexual liberated youth cohort of her times.

She can simultaneously hold BLM in one hand, and Christian values in the other; having lived in the Army at the frontlines of the Gulf War she can process gun culture and yet be an environmentalist. She went to college to study poetry, and ended up canvassing for the Second Amendment, getting paid by a conservative political action committee. This is an incredible journey—one which makes her a special kind of motivated local “genius” of sorts. Most important- she works three jobs, she isn't lazy; is not lying around the shack playing video games.

The offense conduct on the day of Ariel's arrest was a confused anomaly, just another one in a life made of anomalies. Ariel's a politicized, moony, love-struck, bi gal who writes poetry—she can see beyond her Christian fundamentalist Georgia upbringing and having been around the world, she wants to get out there in the world, and to make a positive difference.

Ariel knows her conduct on the day of her arrest was terrible. And it isn't happening again, as this has been a journey that took her from poetry to prison ... from the pride of mom and dad to pissed off parents. A tough informative taste of reality.

In the light of her youth, background, diligent work and accomplishment at university and her love of family, local community and church, does justice call out for, let alone require, Ariel Ebaugh to stand convicted of a felony in the matter at hand let alone to go to prison? Absolutely not.